

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 62 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

SANJAYKUMAR KESHAVALAL

Appearance:

MR MA BUKHARI, APP for Petitioner

MR MC BAROT, for Respondents

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 08/12/1999

ORAL JUDGEMENT

This appeal is preferred by the State against the judgment dated 30.10.1998 passed by the learned Metropolitan Magistrate, Court No.9, Ahmedabad City in Criminal Case No. 1120 of 1993 whereby the learned Metropolitan Magistrate acquitted the respondents accused of the offences with which they were charged.

I have gone through the entire judgment and I am satisfied that the appreciation of evidence made by the learned Metropolitan Magistrate is in accordance with law and in conformity with the oral as well as documentary evidence. There is no material error either of fact or of law. The say of the witnesses examined has rightly been not accepted by the learned Metropolitan Magistrate

as it was found not trustworthy. I am not inclined to accept the submission of the learned APP Mr. Bukhari that no opportunity was given for the purpose of examining Yashwantbhai. I am in full agreement with the findings arrived at, conclusion reached by the learned Metropolitan Magistrate while acquitting the respondents accused and I see no cogent and convincing reason to grant leave and to admit the appeal. On the contrary, leave requires to be refused.

At this stage, it is worth noting that original complainant Ramilaben has settled the dispute with her husband out of court who is respondent no.1 in this appeal. Original complainant, though has no legitimate right to submit before this Court qua this criminal appeal preferred by the State, learned APP Mr. Bukhari, on instructions given by ld. Counsel Mr. Saiyed appearing for the original complainant in Cri.Revision Application No. 693/98, confirms that divorce between original complainant and respondent no.1 has taken place by way of out of court settlement and settlement is admitted by the original complainant in above-referred Cri.Rev.Application which came to be disposed of in view of out of court settlement. This aspect also requires to be taken into consideration in this appeal.

In the result, there is no substance in this appeal. Hence, leave refused. Appeal is dismissed. Judgment dated 30.10.1998 passed by learned Metropolitan Magistrate, Court No.9, Ahmedabad City in Criminal Case No. 1120 of 1993 is hereby confirmed.

08.12.1999 [C.K. BUCH, J]

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